

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MICHAEL WIN, YOLANDA
HOLMES, SUNDY E. WHITESIDE,
AND ELEANOR KIM BANKS,
individually and on behalf of others
similarly situated,**

Plaintiffs,

v.

**HUMAN DEVELOPMENT
CORPORATION OF
METROPOLITAN ST. LOUIS,
RUTH A. SMITH, CHARLES
BARGE, JR., CLAUDE BROWN,
JOHN HAIGLER, and MICHAEL
MCMILLAN,**

Defendant.

Case No. 4:11-cv-01971

**UNOPPOSED FOURTH MOTION FOR EXTENSION OF TIME TO FILE
ANSWER TO PLAINTIFFS' COMPLAINT**

Defendants Human Development Corporation of Metropolitan St. Louis ("HDC"), Charles Barge, Jr., Claude Brown,¹ and Michael McMillan respectfully request an extension of time within which to file their answer to Plaintiffs' Complaint. In support of this motion, Defendants state as follows:

1. Defendants HDC, Charles Barge, Jr., Claude Brown, and Michael McMillan have a January 19, 2012 deadline to file a response to Plaintiffs' Complaint.

¹ On January 4, 2012, undersigned counsel for Defendants HDC, Barge, and Brown moved to withdraw as counsel for Defendant Ruth A. Smith. The motion to withdraw remains pending; although, it is undersigned counsel's understanding that Smith is close to retaining new counsel. Given that this is an unopposed motion for extension of time, undersigned counsel also requests that the Court grant Smith an extension of time to file her answer so that she may be afforded additional time to find new counsel.

2. On January 17, 2012, Plaintiffs filed a motion for leave to amend their Complaint.

3. Once leave is granted and the amended complaint is filed, Defendants HDC, Barge, Brown, and McMillan will have a new answer deadline in accordance with Rule 15.

4. Accordingly, Defendants HDC, Barge, Brown, and McMillan seek an extension of time to answer Plaintiffs' Complaint pending the Court's ruling on Plaintiffs' motion for leave to amend and the filing of Plaintiffs' amended complaint.

5. This is Defendants' fourth request for an extension of time to respond to Plaintiffs' Complaint.

6. Defendants have consulted with Plaintiffs' counsel regarding this motion. Plaintiffs' counsel does not oppose an extension for Defendants' to file an answer to the Complaint.

7. This motion is not made to delay or unduly prejudice any parties, and said motion will not prejudice any parties.

WHEREFORE, Defendants Human Development Corporation of Metropolitan St. Louis, Charles Barge, Jr., Claude Brown, and Michael McMillan respectfully request that the Court grant their Motion for Extension of Time, and allow an extension of time to file their answer to Plaintiffs' Complaint pending the Court's ruling on Plaintiffs' motion for leave to amend and the filing of Plaintiffs' amended complaint..

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

/s/ Robert L. Ortals, Jr.

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Human Development Corporation of
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Respectfully submitted,

PATRICIA A. HAGEMAN, CITY
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Attorneys for Defendant
Michael McMillan

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 19, 2012.

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Attorneys for Plaintiffs

I further certify that a copy of the foregoing was served on January 19, 2012 via U.S. mail, postage prepaid, to the following:

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